



inspiring the journey for
independence together

Complaints Policy

Reviewed Annually

Statutory

Signed:  (Chair of the Trust)

Date of last review: 13/3/23

Review Date: March 2024

1. Introduction

Rivermead Inclusive Trust is dedicated to providing the best possible education and support for all its pupils. This means having a clear, fair, and efficient procedure for dealing with any complaints to or against the school, so that any issues that arise can be dealt with as swiftly and effectively as possible.

Rivermead Inclusive Trust is an equal opportunities employer and provider of services. No individual should receive less favourable treatment on the grounds of race, colour, nationality, ethnic or national origin, sex or gender reassignment. If a complaint is made which alleges that there has been discrimination, we will carefully consider this aspect of the complaint and we would consider this as a discrimination issue, in accordance with the Equality Act 2010.

All school staff will be made aware of complaints procedures and expected to review this document regularly in order that they are familiar with our process of dealing with complaints and can be of the most assistance when an issue is brought to their attention.

This document, which is available on line on Rivermead Inclusive Trust's website and on all the websites of its schools, explains that procedure, and the steps that it outlines should be referred to and followed by all pupils and their parents or people who are not parents of attending pupils whenever an issue arises that causes them concern. If it becomes necessary to alter the time limits and deadlines set out within this procedure, you will be advised accordingly, given an explanation and provided with respective revised timescales.

2. Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Rivermead Inclusive Trust other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none">• Admissions to schools• Statutory assessments of Special Educational Needs• School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Medway LA
<ul style="list-style-type: none">• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO)

	who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
<ul style="list-style-type: none"> Exclusion of children from school* 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the school's behaviour policy can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> Staff grievances 	Complaints from staff will be dealt with under the school's internal grievance procedures.
<ul style="list-style-type: none"> Staff conduct 	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> Complaints about services provided by other providers who may use school premises or facilities 	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> National Curriculum - content 	Please contact the Department for Education at: www.education.gov.uk/contactus
<ul style="list-style-type: none"> Bullying and Harassment 	Complaints about bullying and harassment will be dealt with under the procedure outlined in the Bullying and Harassment Policy.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Rivermead Inclusive Trust or any of its schools in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

3. The difference between a concern and a complaint

A concern may be defined as *‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’*.

A complaint may be defined as *‘an expression of dissatisfaction however made, about actions taken or a lack of action’*.

It is in everyone’s interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Each school within Rivermead Inclusive Trust takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher, will refer you to another member of staff. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher of the school will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, the Headteacher will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

4. When a concern or complaint first arises

If you have a concern that you would like to take up with the school you should initially inform a member of staff either in person, over the telephone or in writing. You may then be invited to an informal meeting with the member of staff most appropriate for dealing with your concern.

You may wish to approach your child’s class teacher or SEAL tutor first as they will be best placed to help you either directly or by figuring out which other member of staff you should be speaking to.

We encourage parents to approach staff with any concerns they may have and aim to resolve all issues with open dialogue and mutual understanding.

A written explanation of your concern will need to be given to the staff member that you speak to, so that it is easy to see – when complaints are taken further or referred back to in the future – what the initial problem was.

- 4.1. **If your complaint is about a member of staff**, you should first raise this with the Headteacher / Head of School or Provision either in person or in writing, and a meeting can be arranged with the Headteacher / Head of School or Provision to discuss the issue at hand. Any correspondence should be marked Private and Confidential.
- 4.2. **If your complaint is about the Headteacher / Head of School or Provision**, you should raise your concern in writing with the Executive Headteacher for Primary provision within the Trust or the Chair of the Local Advisory Board for secondary provision. If your complaint is about a governor of the school, you should raise your concern in writing with the Governance Professional of that school. To contact both of these people please send your complaint to office@rivermead.medway.sch.uk, office@walderslade.medway.sch.uk, office@hoostwerburgh.medway.sch.uk, or school.office@aow.uk.com or in writing, with FAO Executive Headteacher/Chair of Governors/Governance Professional in the subject header.

Any governor will refer complaints that are taken straight to them back to the appropriate member of staff unless one of the above exceptions applies.

All staff and governors involved in handling a complaint are suitably trained and equipped to do so.

- 4.3 **If your complaint is about the CEO of the Trust or Chair of the local advisory board, any individual governor or the whole governing body** you should raise your concern in writing to Gill Mond, Governance Professional to the Trust, via the school office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

5. Anonymous complaints

We will not normally investigate anonymous complaints. However, the headteacher or CEO of the Trust or Chair of the Local Advisory Board, if appropriate, will determine whether the complaint warrants an investigation.

6. Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

7. Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

8. Resolving complaints

At each stage in the procedure, the school wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

9. Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

10. Managing Serial and Unreasonable Complaints

Headteachers and the Trust CEO are committed to dealing with all complaints fairly and

impartially, and to providing a high-quality service to those who complain. Anyone has the right to raise a new complaint at any time. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The school defines unreasonable complaints as 'those who, because of the frequency or nature of their contact with the school, hinder our consideration of their or other people's complaints'.

Examples: A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;

- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media platforms/websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of the Local Advisory Board will discuss any concerns with the complainant informally before applying an 'unreasonable' marking including suggesting that the complainant asks a third party to act on their behalf such as the local Citizen' Advice.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication (such as restrict the complaint to a single point of contact via an email address) and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of harassment, aggression or violence, the concerns and actions taken will be put in writing immediately (including the decision to stop responding) and the police informed. This may include barring an individual from school premises.

Serial or persistent complaints will only be marked as 'serial' once the complainant has completed the complaints procedure. It is the complaint that will be marked as 'serial', meaning the complainant can complain about a separate issue if necessary.

For the purpose of this policy, "**duplicate complaints**" are identical complaints received from a complainant's spouse, partner, grandparent or child. These complaints will not be addressed again, the individual making the second complaint will be informed that the complaint has been dealt with on a local level and if they are dissatisfied with the result, they can appeal to the DfE.

Any new details provided by a complainant's spouse, partner, grandparent or child, will be investigated and dealt with in line with the complaints procedure.

11. Complaints campaigns

For the purposes of this policy, "**complaints campaigns**" are where the school receives large volumes of complaints that are all based on the same subject.

Where the school becomes the subject of a complaints campaign from complainants who are not connected with the school, a standard, single response will be published on the school's website. If the school receives a large number of complaints about the same subject from complainants who are connected to the school, e.g. parents, each complainant will receive an individual response.

If complainants remain dissatisfied with the school's response, they will be directed to the DfE.

12. Barring from the School Premises

Although fulfilling a public function, Schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If an individual's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the person may wish to make. Schools should always give that person the opportunity to formally express their views on the decision to bar in writing.

Anyone wishing to complain about being barred can do so, by letter or email, to the Chair of the Local Advisory Board. The decision to bar should then be reviewed, taking into account any representations and either confirmed or lifted. If the decision is confirmed the person should be notified in writing, explaining how long the bar will be in place and when the decision will be reviewed, usually after 6 months.

Complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

13. Standard of fluency complaints

As members of a public authority, all staff are subject to the fluency duty imposed by the Immigration Act 2016, which requires staff members to have an appropriate level of fluency in English in order to teach pupils.

The academy is free to determine the level of spoken communication necessary in order for staff members to develop effective performance, but it will be matched to the demands of the role in question.

The academy will be satisfied that an individual has the necessary level of fluency appropriate for the role they will be undertaking, whether this is an existing or potential new member of staff.

If a member of the school community feels that a staff member has insufficient proficiency in spoken English for the performance of their role, they are required to follow the 'Complaints procedure' outlined in this policy.

For the purpose of this policy, a "legitimate complaint" is one which is about the standard of spoken English of a member of staff; complaints regarding an individual's accent, dialect, manner or tone of communication are not considered legitimate complaints. All legitimate complaints regarding the fluency duty will be handled in line with the processes detailed in this policy.

In addition to the processes outlined in this policy, the trust will assess the merits of a legitimate complaint against the necessary standard of spoken English fluency required for the role in question.

To assess the merits, the academy will undertake an objective assessment against clear criteria set out in the role specification or, against the level of fluency descriptors relevant to the role in question.

If the complaint is upheld, the academy will consider what action is necessary to meet the fluency duty. This may include:

- Specific training.
- Specific re-training.
- Assessment.
- Redeployment.
- Dismissal.

Appropriate support will be provided to staff to ensure that they are protected from vexatious complaints and are not subjected to unnecessary fluency testing.

Records of complaints regarding fluency will be kept in accordance with the processes outlined in the 'Recording a complaint' section of this policy.

14. Transferring data

When a pupil changes school, the pupil's educational record will be transferred to the new school and no copies will be kept.

The academy will hold records of complaints separate to pupil records while a complaint is ongoing, so that access to these records can be maintained.

Information that the academy retains relating to a complaint will be stored securely and in line with its Schools Disposal of Documents Policy.

15. Availability

A copy of this policy will be made available on request. It will also be published on the academy's website, as recommended by the ESFA.

16. Complaints Procedure

16.1 Initial informal meeting

Once a concern has been raised you may be invited to attend an informal meeting with a member of staff or the Headteacher / Head of School or Provision/chair of governors to discuss your concerns.

You are welcome to bring a friend, partner or, in the case of a pupil who has raised a concern, a parent to this meeting. It may be appropriate for a pupil to attend the meeting if their parent has raised a concern, depending on the nature of the issue.

Staff have a responsibility to ensure that you understand any future points of action that have been agreed upon in this meeting and should make a record of what has been discussed, as well as any outcomes and a plan of action, if one has been agreed.

All staff will do their best to ensure that your concerns are dealt with appropriately and efficiently, but if you cannot come to an agreement, or are dissatisfied with the outcome of your meeting, you can make a formal complaint in writing to the Headteacher / Head of School or Provision.

There is no suggested time-scale for resolution at this stage given the importance of dialogue through informal discussion. Although it would be expected that most issues would be resolved within 10 school days. With a written report provided to the complainant where appropriate or if requested.

16.2 Formal complaints

In order to ensure that complaints are processed efficiently and effectively, Rivermead Inclusive Trust deals with formal complaints in three stages:

16.3 Stage 1

If you do not feel that your concern has been dealt with as you would like, are unhappy

with the outcome of your informal meeting or feel that the issue is serious enough that it warrants it, you can make a formal complaint in writing (or by using the Complaint Form) to the Headteacher / Head of School or Provision. If your complaint is about the Headteacher / Head of School or Provision/Chair of the Local Advisory Board/governor/whole Local Advisory Board/Trust Board you should go straight to Stage 2 of this procedure.

The Headteacher / Head of School or Provision should acknowledge your complaint in writing within five school days. They may already be aware of the situation. They will carry out an investigation and they will outline their decision on whether or not to uphold the complaint to you in writing and any action to be taken as a result of your complaint.

The Headteacher / Head of School or Provision may call you in for a meeting to discuss the issue outcome, possible solutions, or to explain what has or will happen as a result of your complaint. The Headteacher / Head of School or Provision will keep a record of all interactions with you and other staff, meetings and decisions made in reference to your complaint.

Note: The headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the headteacher will provide a formal written response within ten school days of the date of receipt of the complaint.

If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school or Trust will take to resolve the complaint.

The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

16.4 Stage 2

If, having spoken to the Headteacher / Head of School or Provision, you are dissatisfied with the outcome of your complaint or your complaint is about the Headteacher / Head of School or Provision, you may lodge your complaint with the Executive Headteacher or a

member of the Trust Executive Team. The complaint must be in writing (or on the Complaints Form) and it should explain your concern and the steps that have led up to you taking this course of action.

If the complaint is against a member of staff, that employee will be given the opportunity to write a response, which will be sent to the Executive Headteacher/Trust Executive within five school days of the complaint being lodged with them.

The Executive Headteacher/Trust Executive will respond to you in writing within ten school days outlining their response to your concern, and any action that has or will be taken. If they have decided not to take any further action on the issue, they will explain what they have decided, how they have reached this decision, and will outline Stage 3 of the process should the complainant be dissatisfied with the outcome of Stage 2.

If the complaint is:

- jointly about the Chair and Vice Chair of the local governing body or
- the entire local governing body or
- the majority of the local governing body

This stage will be considered by a Trustee of the Rivermead Inclusive Trust Board. At the conclusion of their investigation, the Trustee will provide a formal written response.

If the complaint is:

- jointly about the Chair and Vice Chair or CEO of the Trust board
- the entire Trust Board or
- the majority of the Trust Board

This stage will be considered by an independent investigator appointed by the Rivermead Inclusive Trust Board. At the conclusion of their investigation, the independent investigator will provide a formal written response.

16.5 Stage 3

If you are unhappy with the outcome of Stage 2, you may lodge your complaint with the Chair of the Local Advisory Board of the school to which your complaint relates. The complaint must be in writing (or on the Complaints Form) and it should explain your concern and the steps that have led up to you taking this course of action.

If the complaint is against a member of staff, that employee will be given the opportunity to

write a response, which will be sent to the Chair of the Local Advisory Board for the school within 5 school days of the complaint being lodged with them.

The Chair of the Local Advisory Board for the school will respond to you in writing within ten school days outlining their response to your concern, and any action that has or will be taken. If they have decided not to take any further action on the issue, they will explain what they have decided, how they have reached this decision, and will outline your right of appeal and how you can start your appeal.

17. Appeals

17.1. Stage 4

You have a right of appeal if you would like to lodge an appeal following the outcome of a formal complaint at Stage 3. If you wish to exercise that right, this will be taken to the *appeals panel* (the panel). You should write to the Governance Professional to exercise this right within ten school days of the outcome at Stage 3. You must submit your appeal with full grounds and any supporting documentation. If no request for an appeals panel hearing is received within ten school days, you will no longer have the right of appeal and the complaint will be closed.

If an appeals panel is requested, the Governance Professional will acknowledge your appeal and make the necessary arrangements and will usually convene the panel within one calendar month from the acknowledgement being sent and give you reasonable notice of the panel hearing. Where it is not possible to find a mutually convenient date within that timescale, the school will take reasonable steps to agree a time and date mutually convenient to all parties.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The Governance Professional will ensure that all parties to the appeal have access to the same documentation and set out the scope of the appeal (the issues) and a timetable to support the collation and circulation of documents. Any supporting documentation relevant to the complaint must be submitted to the panel by both parties at least five school days before the appeals panel hearing.

The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

17.2 The appeals panel

The panel will be made up of three members and exceptionally, five members where the seriousness of the matter warrants a larger panel (and a larger panel is available). The panel will be drawn from the Local Advisory Board for the school AND/OR other people associated with or independent from the Rivermead Inclusive Trust. If there are fewer than three governors from the school available, the Clerk will source any additional, independent governors through another Trust school or from another local school in order to make up the committee. Alternatively, when the complaint is about a Trustee or the whole Trust Board it will include at least one person not associated with Members, Directors or the Local Advisory Boards and an entirely independent committee may be convened to hear the complaint at Stage 3.

No person can sit on the panel if they have had any former knowledge or involvement in the case that is being dealt with at that time. The chair of the panel will be nominated from within the group of panel members prior to the meeting. All panel members will be familiar with and have access to the Complaints Policy.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend and should be agreed by the academy. Representatives from the media are not permitted to attend.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

17.3 Appeals procedure

The panel will determine the procedure to be followed to ensure that it is best placed to deal with the issues arising from the complaint. The procedure for an appeal is usually as follows:

17.3.1 *The complainant and Headteacher / Head of School or Provision will enter the hearing together; this may be adjusted if the complaint is about the*

Headteacher/ Head of School or Provision. The chair will introduce the panel members and outline the process.

- 17.3.2 *The complainant will explain the complaint and draw specific attention to any supporting documents.*
- 17.3.3 *The Headteacher / Head of School or Provision and panel will question the complainant.*
- 17.3.4 *The Headteacher / Head of School or Provision will explain the school's actions and draw specific attention to any supporting documents.*
- 17.3.5 *The complainant and panel will question the Headteacher / Head of School or Provision.*
- 17.3.6 *The complainant will sum up their complaint*
- 17.3.7 *The Headteacher / Head of School or Provision will sum up the school's actions*
- 17.3.8 *The chair will explain how the panel will come to decision and when, whether on the day of the hearing or at a panel closed session and that both parties will hear from the panel within 10 school days.*
- 17.3.9 *Both parties will leave together at the end of the hearing*
- 17.3.10 *If while the panel decides there is sufficient time to decide after the hearing the panel will stay and decide.*
- 17.3.11 *The Governance Professional will stay to assist the panel with its decision making.*
- 17.3.12 *If there is not sufficient time for the panel to decide after the hearing, then the panel will reconvene in a closed session at a later date.*
- 17.3.13 *The panel will make findings and recommendations (if any) in writing and a copy of those findings and recommendations (if any) will be provided to the complainant, and where, relevant, the person complained about.*
- 17.3.14 *The panel will issue its findings including reasons underpinning those findings and recommendations (if any) within 10 school days and ensure that a copy is available for inspection on the school premises, by the clerk to the local advisory body and the headteacher of the relevant school about which the complaint relates or the head office of the Trust (as the case may be).*

17.4 The panel may:

- dismiss all or part of the complaint
- uphold all or part of the complaint
- decide on the appropriate action to be taken to resolve the complaint
- evaluate all the evidence available and recommend changes to the school's systems or procedures as a preventative step against similar problems arising in the future.

17.5 If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 4 will be heard by a committee of at least three independent governors. Independent is defined as having not had any previous knowledge of the complaint. Therefore this could be governors from the LAB who have not had any involvement previously, members of another LAB within the Trust, Trustees or a governor or Trustee from another school or Trust.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school or Trust will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

A copy of the panel's findings and recommendations will be made available for inspection on the academy premises by the board of trustees and the headteacher.

Where relevant, the person complained about will receive a summary of the panel's findings and recommendations. They will also receive a copy of the minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR.

18. Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Education and Skills Funding Agency (ESFA) after they have completed Stage 4.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the school or Trust. They will consider whether the school or Trust has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Education and Skills Funding Agency (ESFA) online at: <https://www.education.gov.uk/help/contactus/dfe>, by telephone on: 0370 000 2288 or by writing to:

ESFA Complaints
Chief Executive's Office
Cheylesmore House
Quinton Road
Coventry
CV1 2WT

19. Roles and Responsibilities

19.1 Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

19.2 Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of

the meeting

- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

19.3 Complaints Co-ordinator (this could be the headteacher / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, headteacher, Chair of Governors, Governance Professional and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

19.4 Governance Professional

The Governance Professional is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

19.5 Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR. If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

19.6 Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting
Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting. Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated. The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint.

Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.

20. Serial complainants and/or vexatious complaints

Whilst it is hoped that this complaints policy and the procedures prescribed under it will resolve complaints, it is acknowledged that there may be some rare occasions where a complainant continues to be dissatisfied with the school and the outcomes achieved under the complaints procedure.

Where a complainant attempts to re-open an issue which has already been dealt with under the complaints procedure, by further complaints on the same matter or subject issues, this is considered to be unacceptable behaviour on the part of the complainant and therefore the chair of the local advisory body for the school will contact them to inform them that the matter has already been dealt with and that either that stage of the policy has been exhausted or that the complaints procedure has been exhausted and the matter is considered closed. The chair will warn the complainant that they will be regarded as a serial complainant engaging in unacceptable behaviour and if where further correspondence is received on the same matter or subject issues, this may be considered vexatious and as such the school will be under no obligation to respond to that correspondence.

A complainant will be considered vexatious where their conduct in bringing repeat complaints about the same matter or subject issues or their conduct in the course of having their complaint considered is regarded as unreasonably persistent, where behaviour is abusive, offensive or threatening towards staff, the Headteacher / Head of School or Provision, local advisory board or Trustees or where the frequency of contact is having an adverse effect on the proper running of the school. If this behaviour continues to prevail as a nuisance, then the school will issue warning notices, restrict forms of communication, give one nominated point of contact or engage the services of a solicitor to take appropriate legal action against the complainant in respect of nuisance or harassment of staff, advisory board or Trustees.

21. Local Advisory Body and the Rivermead Inclusive Trust – review and monitoring of complaints

The local advisory body for the school and the Rivermead Inclusive Trust will review and evaluate all complaints no matter how far they are taken or what the outcome to ensure that similar problems are avoided in the future or to see if they could have been managed any more effectively. All correspondence, statements and records relating to individual complaints are to be kept confidential, except where the Secretary of State for Education or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

The governing body will review the complaints procedure every 1 year.

22. Staff complaints

Staff who have a concern about a colleague or a volunteer member of staff should refer to our **Whistleblowing Policy**.

The procedure for dealing with any other staff complaints or employment grievances is set out in the Trust's **Grievance Policy**.

23. Contact details:

Rivermead School

Ellie Quare (Headteacher)
Natasha Dhesi (Head of RRR/Post 16)

Walderslade Primary

Amy Rowley-Jones (Headteacher)
Stacey Martin (Deputy Headteacher)

Hoo St Werburgh Primary

Simon McLean (Head of School)
Lorraine Boffa (Deputy Headteacher)

The Marlborough

Louise Kennett (Head of Provision)
Sarah Negus (Deputy Head of Provision)

Academy of Woodlands

Chloe Brown (Head of School)
Shelley Campbell (Deputy Headteacher)

Executive Headteacher – Primaries

Emma Poad

Trust Executive Team

Paul Dadson (Director of School Improvement)
Kerri Edge (Deputy CEO)
Tina Lovey (CEO)

Local Advisory Body

David Hopkins (Chair, Rivermead)
Paul Provins (Chair, Hoo St Werburgh)
Gemma Pressman (Chair, Walderslade)
Luke Geary (Academy of Woodlands)

Trust Board

Justin Stuart (Chair)

All communication can be sent to:

office@rivermead@medway.sch.uk
office@walderslade.medway.sch.uk
office@hoostwerburgh.medway.sch.uk
school.office@aow.uk.com

or in writing using FAO in the subject line stating the person's name.

24. Monitoring and review of policy

The complaints procedure will be reviewed annually, taking into account any legislative changes and the latest guidance issued by the DfE.

Responsibility for reviewing the procedure belongs to the Rivermead Inclusive Trust Board. All projected review dates will be adhered to.

Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.

The monitoring and reviewing of complaints will be used to help evaluate the Trust and school's performance.

25. Equality Impact Assessment

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

Appendix 1 – Complaints Form

Complaint Form

Please complete and return to either the Headteacher/CEO/Governance Professional who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number:

Please give details of your complaint, including whether you have spoken to anybody at the school about it.

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:
Date:

Official use

Date Complaint received:

Date Acknowledgement sent:

Acknowledgement Sent By who:

Complaint referred to:

Date: